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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,657

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Tsutomu Ishi

Q75241

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23373

7590

11/20/2006

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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/623,657

Applicant(s)

ISHI ET AL.

Examiner

TAN X. DINH

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 8-12, 19-25 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 13, 15, 17, 18 and 26 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

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1) Applicant's election of Group II ( claims 4-7,13-18 and 26 ) in the reply filed on 9/21/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-3,8-12,19-25 and 27-29 are withdrawn from further consideration as being non-elected invention.

2) The drawings are objected to because:

a) figure1 should be designated by a legend such as --PRIOR ART -- since only that which is old is illustrated. See MPEP § 608.02(g).

b) The blocks circuits in figures 16 and 17 must be proper labeled.

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

The replacement sheet(s) should be labeled "REPLACEMENT SHEET" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures.

If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

**MAGNETO-OPTICAL HEAD HAVING CONDUCTIVE FILM CAPABLE OF  
INCREASING LIGHT INTENSITY.**

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 4,6,13,15,17,18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al ( JP, 2001-291,266 ) and KASAMA et al ( 6,631,227 ).

SAKAGUCHI et al discloses an optical module as claimed in claim 4, comprises an optical device including a conductive film having first and second surfaces, at least one aperture provided in conductive film and extending from first surface to second surface, and a surface topography formed on at least one of first and second surfaces, wherein surface topography increases an intensity of light incident onto one of first and second surfaces and transmitted through aperture ( Fig.6C, conductive film 20, layer 22 and aperture

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30 ), except to specifically show that the center of light flux of light incident on conductive film is deviated from the center of aperture. KASAMA et al from the same field teaches a near-field optical head wherein the center of light flux of light incident on conductive film is deviated from the center of aperture ( column 9, line 55-63 ). Since the method as taught by KASAMA et al is old and widely used in the art it would have been obvious to someone within the level of skill in the art at the time of the invention was made to deviate the light incident from the center of an aperture in SAKAGUCHI et al's near-field optical head as claimed.

As to claim 6, SAKAGUCHI et al shows the light flux of light incident is included at least aperture ( Fig.1, the incident light includes aperture 30 ).

Claim 13 adds to claim 4 the feature of a slider, which is old and well known in every near-field optical head.

Claim 15 is rejected with the same reasons set forth in claim 6 above.

As to claims 17 and 18, SAKAGUCHI et al shows an optical fiber for transmitting light from a light source ( Fig.1, optical fiber 10 ), and a light-collecting optical system for collecting light emitted from optical fiber to optical device ( figure 2, lens 230, 210 and 240, beam splitter 220 and photo-detector 250 ).

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Claim 26 adds to claim 1 the feature of optical recording medium, which SAKAGUCHI et al shows in figures 1 and 6, element 50 and reproducing optical head for receiving and reproducing transmitted light passing through optical recording medium is old and widely used in the optical recording art.

6) Claims 5,7,14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:30PM.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

November 16, 2006